

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: <b>August 9, 2005, Work Session</b>		AGENDA ITEM NO.: 2
CONSENT:	REGULAR: <b>X</b>	CLOSED SESSION:
ACTION: <b>X</b>	INFORMATION:	(Confidential)
<u>ITEM TITLE:</u> <b>Proposal to Create a Tinbridge Hill Conservation Plan</b>		

RECOMMENDATION: Authorize a public hearing to receive comment on a proposal to create a Tinbridge Hill Conservation Plan.

SUMMARY: The attached report from the Lynchburg Redevelopment and Housing Authority (LRHA) provides information on a proposed Tinbridge Hill Conservation Plan. The Commissioners of the LRHA have endorsed the plan and asked that Council schedule the requisite public hearing and, ultimately, adopt the plan. LRHA staff will be present during Council's work session to explain the proposal and answer questions.

PRIOR ACTION(S): None

FISCAL IMPACT: Undetermined.

CONTACT(S): Ed McCann, Connie Snively

ATTACHMENT(S): LHRA Report to City Council; relevant excerpts from the State Code  
Conservation Plan and Excerpts for the State Code can be viewed in the office of the City Manager, 900 Church Street, Lynch

REVIEWED BY: lkp

## **Report To City Council**

### **Tinbridge Hill Conservation Plan**

Authority staff began working with the Tinbridge Hill Neighborhood Council last summer to develop a Tinbridge Hill Conservation Plan (The Plan) for their neighborhood. Input and support by neighborhood residents played a vital role in the drafting of the Plan. The proposed adoption of The Plan and subsequent Conservation Area designation would be the next steps in achieving the housing goals and objectives developed by the Tinbridge Hill Neighborhood Council in the Tinbridge Hill Neighborhood Plan, dated October 1996.

A draft of the Tinbridge Hill Conservation Plan was presented to the Tinbridge Hill Neighborhood Council and the Fifth Street Community Development Corporation (CDC) for review and comment prior to being considered for adoption by the Authority's Board of Commissioners. Revisions to The Plan were made based on suggestions by the CDC and city planning staff. The Authority's Commissioners adopted a resolution approving The Plan at the board meeting on June 29, 2005, and authorized staff to request City Council schedule a public hearing to consider adoption of The Plan.

The area encompassed in the proposed Tinbridge Hill Conservation Plan is outlined on the Boundary and Acquisition Map dated December 2004, that is included in the enclosed Tinbridge Hill Conservation Plan. It is mainly a residential neighborhood, but also has larger businesses located within it and is bordered by Centra Health's Johnson Community Health Center. In addition, a small section of the Garland Hill Historic District along Harrison Street between First Street and shortly before McKinley Street is located in the proposed Tinbirdge Hill Conservation Area.

Authority staff conducted field inspections of the area parcel by parcel, and Lynchburg Neighborhood Development Foundation staff also completed a survey of the Tinbridge Hill area. Inspection and survey results concurred by the City's building inspections staff revealed that there are approximately 453 properties in the area and approximately 248 of these are housing units. Approximately 55 units have serious deficiencies. Some 151 housing units are of such low value (less than 50% of the median for the City as a whole) that government assistance may be required to achieve improvement in their deteriorated conditions. There are approximately eight vacant, deteriorated dwellings and over 150 vacant lots, approximately 10 of which have unclear titles that may require acquisition through the eminent domain process to obtain clear, insurable titles. Some of the lots are too small to build houses on based on current code requirements, but could be consolidated into developable lots. The topography of some of the vacant lots has steep terrain and poses a challenge for development.

In accordance with Section 36-49.1 of the Code of Virginia, City Council shall conduct a public hearing prior to the approval of a conservation plan for an area it deems as deteriorating and blighted. Section 36-48 of the Code of Virginia defines an area as eligible for conservation when:

- There exists a blighted area that impairs economic values and tax revenues, causes an increase in and spread of disease and crime and constitutes a menace to the health, safety, morals and welfare of the residents of the Commonwealth.
- The clearance and conservation, replanning, rehabilitation and reconstruction of such blighted areas and the sale or lease of land and the acquisition of land within such areas for redevelopment in accordance with locally approved redevelopment plans are necessary for public welfare and are public uses and public purposes for which public money may be spent and private property acquired by purchase or the power of eminent domain, and are governmental functions of grave concern to the Commonwealth.
- There are also certain areas where the condition of title, diverse ownership of the land to be assembled, the street or lot layouts, or other conditions prevent a proper development of the land and that it is in the public interest that such areas, as well as blighted areas, be acquired by eminent domain and made available for sound and wholesome development in accordance with a redevelopment plan and that the exercise of the power of eminent domain and the financing of acquisition and preparation of the land by a public agency for such redevelopment is likewise a public use and purpose.

Upon adoption of the proposed Conservation Plan and pursuant to Section 36-49.1 of the Code of Virginia, the Authority is empowered, among other things, to do the following in order to carry out the goals and objectives of The Plan:

- To acquire property within such areas which is blighted, designated for public use in the conservation plan, or the use or condition of which is inconsistent with the purposes of the conservation plan or the provisions of the zoning ordinance or code of the City;
- To rehabilitate or clear property so acquired; and
- To make land or improvements available to private enterprise or public agencies by sale, lease or retention of ownership by the Authority itself.

In addition, the Authority shall only exercise its power of eminent domain in the Conservation Area pursuant to Section 36-50.1 of the Code of Virginia to:

- Acquire properties designated for public use in the conservation plan; or
- Acquire properties which are determined by the Authority to be in violation of the standards for design, construction, maintenance and use of property set out in the conservation plan for the project in which the property is situated, and which have not been made to comply with such standards within one year after a written request to rehabilitate the property to project standards is given to the owner by the Authority; or
- Acquire properties as to which voluntary conveyance cannot be effected in the course of the execution of the conservation plan because of the inability of the owners to convey marketable title; or
- Acquire properties which are infeasible of rehabilitation or because of dilapidation, obsolescence, faulty arrangement or design, street or lot layout, deleterious land use or a combination thereof exert a blighting influence on adjacent properties or prevent proper development of land so as to inhibit or prevent accomplishment of the purposes of the conservation plan.

Section 36-27 of the Code of Virginia which addresses eminent domain powers of the Authority also requires the Authority to send a notice by certified mail to at least one owner of every parcel identified in The Plan as potential property subject to acquisition by the Authority. The notice informs the property owner of the date and time City Council will consider adoption of The Plan. It also states that the property owner has the right to appear in any condemnation proceeding instituted to acquire the property and present any defense that the owner may have to the taking. In accordance with this section of the Code and in preparation for consideration by City Council, notices have been sent to owners of property identified as potential property for acquisition. Please refer to the Boundary and Acquisition Map in The Plan for specific parcels.

As required by Section 36-51.1 of the Code of Virginia, the Tinbridge Hill Conservation Plan provides an outline for the conservation, development and redevelopment of the area affording maximum opportunity for conservation, rehabilitation or redevelopment by private enterprise that is consistent with the standards

of The Plan. It is compatible with the local goals and objectives such as land uses and public improvements contained in the City of Lynchburg's Comprehensive Plan, 2002-2020 which refers to the area as a Traditional Residential neighborhood. The Plan also includes conditions and limitations concerning the acquisition of property and disposition of it for rehabilitation or redevelopment by public or private enterprise, as well as proposed land uses for properties to be acquired. It provides standards of design, construction, maintenance and use of the property and other measures to be taken or recommended toward elimination and the prevention of blight. Relocation, administrative review and amendment procedures are covered as well. Upon adoption by Council, The Plan would be in effect until December 31, 2034.

Enclosed are copies of the proposed Tinbridge Hill Conservation Plan and resolution adopted by the Authority's commissioners. Authority staff will be available to discuss The Plan and answer questions at the Council's work session on August 9, 2005.

enclosures

**A RESOLUTION APPROVING THE ADOPTION OF THE TINBRIDGE  
HILL CONSERVATION PLAN DATED DECEMBER 2004**

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority authorized a survey of housing and neighborhood conditions located within the boundaries of the Tinbridge Hill area; and

WHEREAS, the investigation indicates and the Commissioners have determined that the neighborhood contains blighted and deteriorated properties that are detrimental and a menace to the health, safety and welfare of the inhabitants and the locality at large; and

WHEREAS, the investigation indicates and the Commissioners have determined that the neighborhood contains properties which are in violation of the standards for design, construction, maintenance and use of property set out in the conservation plan for the project in which such property is situated; and

WHEREAS, the investigation indicates and the Commissioners have determined that the neighborhood contains properties as to which voluntary conveyance cannot be effected in the course of the execution of the conservation plan because of the inability of the owners to convey marketable title; and

WHEREAS, the investigation indicates and the Commissioners have determined that the neighborhood contains properties which are infeasible of rehabilitation or because of dilapidation, obsolescence, faulty arrangement or design, street or lot layout, deleterious land use or a combination thereof exert a blighting influence on adjacent properties or prevent proper development of land so as to inhibit or prevent accomplishment of the purposes of the conservation plan;

THEREFORE BE IT RESOLVED that the Commissioners of the Lynchburg Redevelopment and Housing Authority adopt the Tinbridge Hill Conservation Plan dated December 2004;

BE IT FURTHER RESOLVED that the Commissioners of the Lynchburg Redevelopment and Housing Authority authorize and direct the Executive Director of the Authority to request that City Council of the City of Lynchburg hold a public hearing to consider the Authority's request that City Council adopt the Tinbridge Hill Conservation Plan dated December 2004 in accordance with the provisions of Section 36-49.1 of the Code of Virginia.